

REMARKS

Claims 1-19 are currently pending. Claims 1, 3-4, 6, 8-9, 11, 13, and 15-17 have been amended. Applicants acknowledge and appreciate the Examiner's indication that claims 9-11 contain allowable subject matter. Claims 9 and 11 have been rewritten in independent form, including the base claim and all intervening claims, and as such are allowable.

Applicants have amended paragraph 0021 of the specification to correct the typographical error noted by the Examiner.

The Examiner rejected claims 1-3 and 6-7 under 35 U.S.C. §103(a) as being unpatentable over Sullivan (U.S. Patent No. 2,250,846) in view of Takahashi et al. (U.S. Patent No. 4,262,475).

Amended claim 1 defines a lawn and garden implement that includes, among other things, a handle coupled to the collecting apparatus and pivotal with respect to the collecting apparatus between a first position and a second position. The handle includes means responsive to movement of the handle to the first position for inhibiting pivotal movement of the handle with respect to the collecting apparatus when said handle is in said first position. The handle also includes means responsive to movement of the handle to the second position for inhibiting pivotal movement of the handle with respect to the collecting apparatus when said handle is in said second position.

Sullivan does not teach or suggest a pivotal handle that includes means responsive to movement of the handle to the first position for inhibiting pivotal movement of the handle with respect to the collecting apparatus when said handle is in said first position. Furthermore, Sullivan does not teach or suggest a handle that includes means responsive to movement of the handle to the second position for inhibiting pivotal movement of the handle

with respect to the collecting apparatus when said handle is in said second position. Rather, Sullivan discloses a grass catcher that includes a pivotal handle portion 30. The handle pivots to raise and lower the rear wheels of the grass catcher. A stop 38 is positioned to prevent excess movement of the pivotal handle. The stop is positioned to prevent rotation beyond the first position when the handle is in the first position and to prevent rotation beyond the second position when the handle is in the second position. Thus, the stop only inhibits excess rotation of the handle in one direction and does not inhibit movement from the first position when the handle is in the first position, or from the second position when the handle is in the second position. The handle is not inhibited from moving from the first position or the second position, so long as that movement is toward the other of the first position and the second position.

Takahashi does not cure the deficiencies of Sullivan. Takahashi discloses a lawnmower that includes a catcher "C". However, the catcher does not include a handle, much less a pivotal handle. Furthermore, Takahashi does not teach or suggest a pivotal handle that is inhibited from moving.

In light of the foregoing, Sullivan and Takahashi, alone or in combination, do not teach or suggest each and every limitation of claim 1. As such, claim 1 is allowable. In addition, claims 2-3 and 6-7 depend from claim 1 and are allowable for these and other reasons.

The Examiner rejected claims 4-5 under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Takahashi et al. and further in view of Hastings (U.S. Patent No. 4,084,284).

Claims 4 and 5 depend from claim 1. As discussed above, Sullivan and Takahashi,

alone or in combination, do not teach or suggest each and every limitation of claim 1.

Hastings does not cure the deficiencies of Sullivan and Takahashi. Hastings discloses a lawn and garden implement that includes an extendable handle 19. The handle of Hastings is not pivotal between a first position and a second position. Furthermore, Hastings does not teach or suggest a means responsive to movement of the handle to the first position for inhibiting pivotal movement of the handle from the first position with respect to the collecting apparatus when said handle is in said first position, and a means responsive to movement of the handle to the second position for inhibiting pivotal movement of the handle from the second position with respect to the collecting apparatus when said handle is in said second position.

In light of the foregoing, Sullivan, Takahashi, and Hastings, alone or in combination, do not teach or suggest each and every limitation of claim 1. As such, claim 1 is allowable. In addition, claims 4 and 5 depend from claim 1 and are allowable for these and other reasons.

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Takahashi et al. and further in view of Serva (U.S. Patent No. 1,686,934).

Claim 8 depends from claim 1. As discussed above, Sullivan and Takahashi, alone or in combination, do not teach or suggest each and every limitation of claim 1.

Serva does not cure the deficiencies of Sullivan and Takahashi. Serva discloses a handle for a vacuum cleaner. The handle is pivotal between a first position and a second position. A tang is positioned to retain the handle in the inoperative position and a bolt and wing nut are used to lock the handle in any operating position. However, Serva does not teach or suggest a means responsive to movement of the handle to the first position for inhibiting pivotal movement of the handle from the first position with respect to the collecting apparatus

when said handle is in said first position, *and* a means responsive to movement of the handle to the second position for inhibiting pivotal movement of the handle from the second position with respect to the collecting apparatus when said handle is in said second position. The device of Serva requires manual manipulation of the wing nut to lock the handle in a second position, and as such is not responsive to movement into the second position.

In light of the foregoing, Sullivan, Takahashi, and Serva, alone or in combination, do not teach or suggest each and every limitation of claim 1. As such, claim 1 is allowable. In addition, claim 8 depends from claim 1 and is allowable for these and other reasons.

The Examiner rejected claim 12 under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Takahashi et al. and further in view of Meyer (U.S. Patent No. 3,636,686).

Claim 12 depends from claim 1. As discussed above, Sullivan and Takahashi, alone or in combination, do not teach or suggest each and every limitation of claim 1.

Meyer does not cure the deficiencies of Sullivan and Takahashi. Meyer discloses a pivotal flap that covers a lawnmower discharge opening. Meyer does not teach or suggest a handle, much less a pivotal handle.

In light of the foregoing, Sullivan, Takahashi, and Meyer, alone or in combination, do not teach or suggest each and every limitation of claim 1. As such, claim 1 is allowable. In addition, claim 12 depends from claim 1 and is allowable for these and other reasons.

The Examiner rejected claims 13, 15, and 18-19 under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Kelley (U.S. Patent No. 421,370).

Amended claim 13 defines a cart adapted to be removably mounted to a lawnmower and collect vegetation clippings from a lawnmower. The cart is also adapted for use as a utility cart for lawn and garden applications. The cart includes, among other things, a handle

that is movable between a stowed position and a deployed position. The handle includes a locking portion that is operable to inhibit pivotal movement of the handle from the stowed position when the handle is in the stowed position, and from the deployed position when the handle is in the deployed position.

Sullivan does not teach or suggest a pivotal handle that includes a locking portion that is operable to inhibit pivotal movement of the handle from the stowed position when the handle is in the stowed position, and from the deployed position when the handle is in the deployed position. Rather, Sullivan discloses a grass catcher that includes a pivotal handle portion 30. The handle pivots to raise and lower the rear wheels of the grass catcher. A stop 38 is positioned to prevent excess movement of the pivotal handle. The stop is positioned to prevent rotation beyond the first position when the handle is in the first position, and to prevent rotation beyond the second position when the handle is in the second position. Thus, the stop only inhibits excess rotation of the handle in one direction and does not inhibit movement out of the stowed position when the handle is in the stowed position, or out of the deployed position when the handle is in the deployed position.

Kelley does not cure the deficiencies of Sullivan. Kelley discloses a grass receptacle for a lawn mower. The receptacle includes two fixed handles 11 and 17. Neither handle is pivotal between a stowed position and a deployed position. Furthermore, neither handle includes a locking portion that inhibits pivotal movement of the handle from the stowed position when the handle is in the stowed position, and from the deployed position when the handle is in the deployed position.

In light of the foregoing, Sullivan and Kelley, alone or in combination, do not teach or suggest each and every limitation of claim 13. As such, claim 13 is allowable. In addition,

claims 15 and 18-19 depend from claim 13 and are allowable for these and other reasons.

The Examiner rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Kelley and further in view of Takahashi.

Claim 14 depends from claim 13. As discussed above, Sullivan and Kelley, alone or in combination, do not teach or suggest each and every limitation of claim 13.

Takahashi does not cure the deficiencies of Sullivan and Kelley. Takahashi discloses an apparatus for collecting grass clippings. However, Takahashi does not teach or suggest the use of a handle, much less a pivotal handle. In addition, Takahashi does not teach or suggest a locking portion that is operable to inhibit pivotal movement of the handle from the stowed position when the handle is in the stowed position, and from the deployed position when the handle is in the deployed position.

In light of the foregoing, Sullivan, Kelley, and Takahashi, alone or in combination, do not teach or suggest each and every limitation of claim 13. As such, claim 13 is allowable. In addition, claim 14 depends from claim 13 and is allowable for these and other reasons.

The Examiner rejected claims 16 and 17 under 35 U.S.C. §103(a) as being unpatentable over Sullivan in view of Kelley and further in view of Hastings.

Claims 16 and 17 depend from claim 13. As discussed above, Sullivan and Kelley, alone or in combination, do not teach or suggest each and every limitation of claim 13.

Hastings does not cure the deficiencies of Sullivan and Kelley. Hastings discloses a yard implement that includes a handle that is movable between an extended position and a retracted position. However, the handle is not pivotal. Furthermore, Hastings does not teach or suggest the use of a locking portion that inhibits pivotal movement of the handle from a stowed position when the handle is in the stowed position, and from a deployed position when

the handle is in the deployed position.

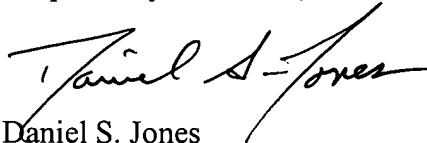
In light of the foregoing, Sullivan, Kelley, and Hastings, alone or in combination, do not teach or suggest each and every limitation of claim 13. As such, claim 13 is allowable. In addition, claims 16-17 depend from claim 13 and are allowable for these and other reasons.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that Claims 1-19 are allowable.

The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel S. Jones", written in a cursive style.

Daniel S. Jones
Reg. No. 42,697

Docket No.: 013002-9051-00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4108

(414) 271-6560